

REMARKS

The above amendments and following remarks are responsive to all the points of objection and rejection raised by the Examiner in the Supplemental Office Action dated August 6, 2003, which replaces the non-final Office Action mailed on May 20, 2003. Upon entry of this Amendment, claims 5, 11, 13, 18, 26 and 31 will have been amended and claims 5, 6 and 9-33 will be all the claims pending in the application. The changes to the claims are fully supported by the original disclosure, drawings and original appended claims. No new matter has been introduced. Entry and consideration of this Amendment is respectfully requested.

Telephone Interview

Applicants thank the Examiner for the telephone interview on July 22, 2003. During the interview, pending claims 5, 6 and 9-22 were discussed. The Examiner suggested amendments to claims 5, 13 and 18, to show a relationship between the curved surfaces and the modified lateral ribbons, which would likely overcome the § 112 rejections.

Allowed Subject Matter

Applicants note with appreciation that the Examiner has allowed claims 23-28 and 33. Specifically, the Examiner states that the prior art of record does not teach or fairly suggest the presently claimed modified lateral ribbon length produced using a trick plate in the knitting machine.

Response To Objections To Claims 6 and 31

Claims 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claims. However, the Applicants have chosen not to rewrite the above claim as suggested because the proposed claim amendments herein are believed to be sufficient to overcome the rejections to the base claim from which claims 6 and 9-12 depend.

Claim 31 is objected to because of a minor informality. Specifically, the Examiner states that the phrase "between 20% to about 20% to about 50%" is improper and should be corrected. Accordingly, Applicants have amended claim 31 by changing the phrase from "between 20% to about 20% to about 50%" to "between about 20% to about 50%." Thus, the Examiner's objection is believed to be overcome.

Response To Rejections to claims 5, 9-22 and 29-32 Under 35 U.S.C. §112

Claim 5 stands rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter, which the Applicants regard as the invention. Specifically, the Examiner states that claim 5 recites "a knitted netting having at least one modified ribbon with reduced lateral shrinkage" and it is unclear whether the netting as a whole has reduced lateral shrinkage, or what the reduced shrinkage is in relation to. Accordingly, the Applicants herein have amended claim 5 to clarify the issues raised by the Examiner. More specifically claim 5 has been amended to recite, "wherein said netting exhibits reduced lateral shrinkage relative to netting produced with an actual

ribbon length equal to said calculated ribbon length upon elongation up to 100%," which is believed to be sufficient to overcome the §112 rejection noted above.

Claims 9-22 and 29-32 are rejected for containing terms that are broader in scope than the teachings in the specification. Specifically, the claims recite "forming a modified lateral ribbon," while the specification teaches only a method of forming a modified lateral ribbon using a corrugated trick plate. Thus, it is alleged that independent claims 13 and 18 encompass making a modified lateral ribbon by many other methods (i.e., forming), which are not supported by the specification. Accordingly, the Applicants herein have amended claims 13 and 18 to overcome the above rejections. Specifically, claims 13 and 18 have been amended to more particularly point out that the "modified lateral ribbon is formed by passing it over a curved surface." A similar amendment has also been made to claim 5. Thus, the §112 rejections to the above claims are believed to be overcome without further comment.

Response To Rejections To Claims 5 and 9-12 Under 35 U.S.C. §103(a)

Claim 5 stands rejected as being unpatentable over Diestel et al. (U.S. Pat. No. 5,660,062, hereafter Diestel) in view of Leiber (U.S. Pat. No. 5,256,353). Accordingly, Applicants have amended claim 5 to overcome the rejection over Diestel in view of Leiber. Specifically, claim 5 has been amended to recite "a method of producing a knitted netting comprising: ...forming a knitted netting having at least one modified lateral ribbon, wherein said netting exhibits reduced lateral shrinkage relative to netting produced with an actual ribbon length equal to said calculated ribbon length upon elongation up to 100%," which is a feature not believed to be taught or suggested by

Diestel or Leiber, individually or in combination. Accordingly, claim 5 as amended is believed to be distinguishable over Diestel in view of Leiber at least for the reasons noted above.

Claims 9-12 are rejected as being unpatentable over Diestel in view of Leiber. The Examiner states that claims 9-12 should depend upon claim 6 rather than claim 5. Thus, claims 6, and 9-12 are also believed to be distinguishable over Diestel in view of Leiber based on their dependency from claim 5.

CONCLUSION

In view of the above amendments and remarks, it is respectfully submitted that the claimed invention is not taught or suggested by the references of record, and the application is now in condition for allowance.

AUTHORIZATIONS

No fee is due by filing of this Amendment. However, the Commissioner is hereby authorized to charge any additional fees which may be required for the timely consideration of this Amendment under 37 C.F.R. §§ 1.16 and 1.17, including any extension of time, or credit any overpayment to Deposit Account No. 13-4503, Order No. 1874-4014US2.

Respectfully submitted,

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